



Business Regulation Committee

**Thursday, January 26, 2006
9:30 AM - 12:00 PM
REED HALL**

ACTION PACKET

COMMITTEE MEETING REPORT

Business Regulation Committee

1/26/2006 9:30:00AM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Frank Attkisson (Chair)	X		
Thad Altman	X		
Jennifer Carroll	X		
Charles Dean	X		
Susan Goldstein	X		
Kenneth Gottlieb	X		
Ron Greenstein			X
Wilbert Holloway	X		
Dorothy Hukill	X		
Bruce Kyle			X
John Legg	X		
Marcelo Llorente	X		
Carlos Lopez-Cantera	X		
Juan-Carlos Planas			X
Ari Porth	X		
Ron Reagan	X		
Timothy Ryan	X		
Baxter Troutman	X		
Juan Zapata	X		
Totals:	16	0	3

Committee meeting was reported out: Thursday, January 26, 2006 12:26:08PM

COMMITTEE MEETING REPORT

Business Regulation Committee

1/26/2006 9:30:00AM

Location: Reed Hall (102 HOB)

HB 73 : Unlawful Taking of Personal Property or Equipment

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein			X		
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas			X		
Ari Porth	X				
Ron Reagan	X				
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 16 Total Nays: 0					

Committee meeting was reported out: Thursday, January 26, 2006 12:26:08PM

COMMITTEE MEETING REPORT

Business Regulation Committee

1/26/2006 9:30:00AM

Location: Reed Hall (102 HOB)

HB 159 : Regulation of Real Estate Appraisers

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein			X		
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas			X		
Ari Porth	X				
Ron Reagan			X		
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Committee meeting was reported out: Thursday, January 26, 2006 12:26:08PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 159

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

ADOPTED

1/26/04

Council/Committee hearing bill: Business Regulation
Representative(s) McInvale offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 475.611, Florida

Statutes, is amended to read:

475.611 Definitions.--

(1) As used in this part, the term:

(a) "Appraisal" or "appraisal services" means the services provided by certified or licensed appraisers or registered trainee appraisers, and includes:

1. "Appraisal assignment" denotes an engagement for which a person is employed or retained to act, or could be perceived by third parties or the public as acting, as an agent or a disinterested third party in rendering an unbiased analysis, opinion, review, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real property.

2. "Analysis assignment" denotes appraisal services that relate to the employer's or client's individual needs or investment objectives and includes specialized marketing,

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23 financing, and feasibility studies as well as analyses,
24 opinions, and conclusions given in connection with activities
25 such as real estate brokerage, mortgage banking, real estate
26 counseling, or real estate consulting.

27 3. "Appraisal review assignment" denotes an engagement for
28 which an appraiser is employed or retained to develop and
29 communicate an opinion about the quality of another appraiser's
30 appraisal, appraisal report, or work. An appraisal review may or
31 may not contain the reviewing appraiser's opinion of value.

32 (b) "Appraisal Foundation" or "foundation" means the
33 Appraisal Foundation established on November 20, 1987, as a not-
34 for-profit corporation under the laws of Illinois.

35 (c) "Appraisal report" means any communication, written or
36 oral, of an appraisal, appraisal review, appraisal consulting
37 service, analysis, opinion, or conclusion relating to the
38 nature, quality, value, or utility of a specified interest in,
39 or aspect of, identified real property, and includes any report
40 communicating an appraisal analysis, opinion, or conclusion of
41 value, regardless of title. However, in order to be recognized
42 in a federally related transaction, an appraisal report must be
43 written.

44 (d) "Appraisal review" means the act or process of
45 developing and communicating an opinion about the quality of
46 another appraiser's appraisal, appraisal report, or work.

47 (e) "Appraisal subcommittee" means the designees of the
48 heads of the federal financial institutions regulatory agencies
49 established by the Federal Financial Institutions Examination
50 Council Act of 1978 (12 U.S.C. ss. 3301 et seq.), as amended.

51 (f) "Appraiser" means any person who is a registered
52 trainee real estate appraiser, licensed real estate appraiser,
53 or a certified real estate appraiser. An appraiser renders a

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professional service and is a professional within the meaning of s. 95.11(4) (a).

(g) "Board" means the Florida Real Estate Appraisal Board established under this section.

(h) "Certified general appraiser" means a person who is certified by the department as qualified to issue appraisal reports for any type of real property.

(i) "Certified residential appraiser" means a person who is certified by the department as qualified to issue appraisal reports for residential real property of one to four residential units, without regard to transaction value or complexity, or real property as may be authorized by federal regulation.

(j) "Department" means the Department of Business and Professional Regulation.

(k) "Direct supervision" means the degree of supervision required of a supervisory appraiser overseeing the work of a registered trainee appraiser by which the supervisory appraiser has control over and detailed professional knowledge of the work being done. Direct supervision is achieved when a registered trainee appraiser has regular direction, guidance, and support from a supervisory appraiser who has the competencies as determined by rule of the board.

(l)~~(k)~~ "Federally related transaction" means any real estate-related financial transaction which a federal financial institutions regulatory agency or the Resolution Trust Corporation engages in, contracts for, or regulates, and which requires the services of a state-licensed or state-certified appraiser.

(m)~~(l)~~ "Licensed appraiser" means a person who is licensed by the department as qualified to issue appraisal reports for residential real property of one to four residential units or on

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85 such real estate or real property as may be authorized by
86 federal regulation. After July 1, 2003, the department shall not
87 issue licenses for the category of licensed appraiser.

88 ~~(n)~~ ~~(m)~~ "Registered trainee appraiser" means a person who
89 is registered with the department as qualified to perform
90 appraisal services only under the direct supervision of a
91 licensed or certified appraiser. A registered trainee appraiser
92 may accept appraisal assignments only from her or his primary or
93 secondary supervisory appraiser.

94 ~~(o)~~ ~~(n)~~ "Supervisory appraiser" means a licensed appraiser,
95 a certified residential appraiser, or a certified general
96 appraiser responsible for the direct supervision of one or more
97 registered trainee appraisers and fully responsible for
98 appraisals and appraisal reports prepared by those registered
99 trainee appraisers. The board, by rule, shall determine the
100 responsibilities of a supervisory appraiser, the geographic
101 proximity required, the minimum qualifications and standards
102 required of a licensed or certified appraiser before she or he
103 may act in the capacity of a supervisory appraiser, and the
104 maximum number of registered trainee appraisers to be supervised
105 by an individual supervisory appraiser.

106 ~~(p)~~ "Training" means the process of providing for and
107 making available to a registered trainee appraiser, under direct
108 supervision, a planned, prepared, and coordinated program, or
109 routine of instruction and education, in appraisal professional
110 and technical skills as determined by rule of the board.

111 ~~(q)~~ ~~(o)~~ "Uniform Standards of Professional Appraisal
112 Practice" means the most recent standards approved and adopted
113 by the Appraisal Standards Board of the Appraisal Foundation.

114 ~~(r)~~ ~~(p)~~ "Valuation services" means services pertaining to
115 aspects of property value and includes such services performed

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116 by certified appraisers, registered trainee appraisers, and
117 others.

118 (s)(g) "Work file" means the documentation necessary to
119 support an appraiser's analysis, opinions, and conclusions.

120 Section 2. Section 475.612, Florida Statutes, is amended
121 to read:

122 475.612 Certification, licensure, or registration
123 required.--

124 (1) A person may not use the title "certified real estate
125 appraiser," "licensed real estate appraiser," or "registered
126 trainee real estate appraiser," or any abbreviation or words to
127 that effect, or issue an appraisal report ~~in connection with any~~
128 ~~federally related transaction~~, unless such person is certified,
129 licensed, or registered by the department under this part.

130 However, the work upon which an appraisal report is based may be
131 performed by a person who is not a certified or licensed
132 appraiser or registered trainee appraiser if the work report is
133 supervised and approved, and the report is signed, by a
134 certified or licensed appraiser who has full responsibility for
135 all requirements of the report and valuation service. Only a
136 certified or licensed appraiser may issue an appraisal report
137 and receive direct compensation for providing valuation services
138 for the appraisal report. A registered trainee appraiser may
139 only receive compensation for appraisal services from his or her
140 authorized certified or licensed appraiser.

141 (2) This section does not preclude a Florida licensed real
142 estate broker, sales associate, or broker associate who is not a
143 Florida certified or licensed real estate appraiser or
144 ~~registered trainee real estate appraiser~~ from providing
145 valuation services for compensation. Such persons may continue
146 to provide valuation services for compensation so long as they

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do not represent themselves as certified, licensed, or registered under this part.

(3) This section does not apply to a real estate broker or sales associate who, in the ordinary course of business, performs a comparative market analysis, gives a price opinion, or gives an opinion of the value of real estate. However, in no event may this comparative market analysis, price opinion, or opinion of value of real estate be referred to or construed as an appraisal.

(4) This section does not prevent any state court or administrative law judge from certifying as an expert witness in any legal or administrative proceeding an appraiser who is not certified, licensed, or registered; nor does it prevent any appraiser from testifying, with respect to the results of an appraisal.

(5) This section does not apply to any full-time graduate student who is enrolled in a degree program in appraising at a college or university in this state, if the student is acting under the direct supervision of a certified or licensed appraiser and is engaged only in appraisal activities related to the approved degree program. Any appraisal report by the student must be issued in the name of the supervising individual who is responsible for the report's content.

(6) This section does not apply to any employee of a local, state, or federal agency who performs appraisal services within the scope of her or his employment. However, this exemption does not apply where any local, state, or federal agency requires an employee to be registered, licensed, or certified to perform appraisal services.

Section 3. Section 475.615, Florida Statutes, is amended to read:

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178 475.615 Qualifications for registration, ~~licensure~~, or
179 certification. --

180 (1) Any person desiring to act as a registered trainee
181 appraiser or as a ~~licensed or~~ certified appraiser must make
182 application in writing to the department in such form and detail
183 as the board shall describe. Each applicant must be at least 18
184 years of age and hold a high school diploma or its equivalent.
185 ~~At the time of application, a person must furnish evidence of~~
186 ~~successful completion of required education and evidence of~~
187 ~~required experience, if any.~~

188 (2) The board is authorized to waive or modify any
189 education, experience, or examination requirements established
190 in this part section in order to conform with any such
191 requirements established by the Appraisal Qualifications Board
192 of the Appraisal Foundation ~~and recognized by the Appraisal~~
193 ~~Subcommittee~~ or any successor body recognized by federal law,
194 including any requirements adopted on February 20, 2004. The
195 board shall implement this section by rule.

196 (3) Appropriate fees, as set forth in the rules of the
197 board pursuant to s. 475.6147 and a fingerprint card must
198 accompany all applications for registration and ~~certification~~
199 ~~or licensure~~. The fingerprint card shall be forwarded to the
200 Division of Criminal Justice Information Systems within the
201 Department of Law Enforcement for purposes of processing the
202 fingerprint card to determine if the applicant has a criminal
203 history record. The fingerprint card shall also be forwarded to
204 the Federal Bureau of Investigation for purposes of processing
205 the fingerprint card to determine if the applicant has a
206 criminal history record. The information obtained by the
207 processing of the fingerprint card by the Florida Department of
208 Law Enforcement and the Federal Bureau of Investigation shall be

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209 sent to the department for the purpose of determining if the
210 applicant is statutorily qualified for registration or
211 ~~certification, or licensure~~. Effective July 1, 2006, an
212 applicant shall provide fingerprints in electronic format.

213 (4) In the event that the applicant is currently a
214 registered trainee appraiser or a licensed or certified
215 appraiser and is making application to obtain a different status
216 of appraisal credential licensure, should such application be
217 received by the department within 180 days prior to through 180
218 days after the applicant's scheduled renewal, the charge for the
219 application shall be established by the rules of the board
220 pursuant to s. 475.6147.

221 (5) At the time of filing a notarized statement for
222 registration, ~~licensure~~, or certification, the applicant must
223 sign a pledge to comply with the Uniform Standards of
224 Professional Appraisal Practice upon registration, ~~licensure~~, or
225 certification, and must indicate in writing that she or he
226 understands the types of misconduct for which disciplinary
227 proceedings may be initiated. The application shall expire 1
228 year from the date received, ~~if the applicant for registration,~~
229 ~~licensure, or certification fails to take the appropriate~~
230 ~~examination.~~

231 (6) All applicants must be competent and qualified to make
232 real estate appraisals with safety to those with whom they may
233 undertake a relationship of trust and confidence and the general
234 public. If any applicant has been denied registration,
235 licensure, or certification, or has been disbarred, or the
236 applicant's registration, license, or certificate to practice or
237 conduct any regulated profession, business, or vocation, has
238 been revoked or suspended by this or any other state, any
239 nation, or any possession or district of the United States, or

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any court or lawful agency thereof, because of any conduct or practices which would have warranted a like result under this part, or if the applicant has been guilty of conduct or practices in this state or elsewhere which would have been grounds for disciplining her or his registration, license, or certification under this part had the applicant then been a registered trainee appraiser or a licensed or certified appraiser, the applicant shall be deemed not to be qualified unless, because of lapse of time and subsequent good conduct, and reputation, or other reason deemed sufficient, it appears to the board that the interest of the public is not likely to be endangered by the granting of registration, ~~licensure~~, or certification.

(7) No applicant seeking to become registered, ~~licensed~~, or certified under this part may be rejected solely by virtue of membership or lack of membership in any particular appraisal organization.

Section 4. Section 475.616, Florida Statutes, is amended to read:

475.616 Examination requirements. - To be ~~licensed or~~ certified as an appraiser, the applicant must demonstrate, by passing a written examination, that he or she possesses:

(1) A knowledge of technical terms commonly used in real estate appraisal.

(2) An understanding of the principles of land economics, real estate appraisal processes, reliable sources of appraising data, and problems likely to be encountered in the gathering, interpreting and processing of data in carrying out appraisal disciplines.

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(3) An understanding of the standards for the development and communication of real estate appraisals as provided in this part.

(4) An understanding of the types of misconduct for which disciplinary proceedings may be initiated against a licensed or certified appraiser, as set forth in this part.

(5) Knowledge of the theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal. ~~that are appropriate for the licensure or certification for which application is made.~~

Section 5. Section 475.617, Florida Statutes, is amended to read:

475.617 Education and experience requirements.--

(1) To be registered as a trainee appraiser, an applicant must present evidence satisfactory to the board that she or he has successfully completed at least 100 ~~75~~ hours of approved academic courses in subjects related to real estate appraisal, which shall include Uniform Standards of Professional Appraisal Practice from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. The board may increase the required number of hours to not more than 125 ~~100~~ hours. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved on an hour-for-hour basis.

~~(2) To be licensed as an appraiser, an applicant must present evidence satisfactory to the board that she or he:~~

~~(a) Has 2 years of experience in real property appraisal as defined by rule.~~

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~~(b) Has successfully completed at least 90 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice from a nationally recognized or state recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. The board may increase the required number of hours to not more than 120 hours. A classroom hour is defined as 50 minutes out of each 60 minute segment. Past courses may be approved by the board and substituted on an hour for hour basis.~~

(2) ~~(3)~~ To be certified as a residential appraiser, an applicant must present satisfactory evidence to the board that she or he has met the minimum education and experience requirements prescribed by rule of the board. The board shall prescribe by rule education and experience requirements that meet or exceed the real property appraiser qualification criteria established adopted on February 20, 2004 by the Appraisal Qualifications Board of the Appraisal Foundation:

(a) Has at least 2,500 hours of experience obtained over a 24-month period in real property appraisal as defined by rule.

(b) Has successfully completed at least 200 ~~120~~ classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which shall include a 15-hour National ~~coverage of the~~ Uniform Standards of Professional Appraisal Practice course from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real

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estate school that holds a permit pursuant to s. 475.451. The
~~board may increase the required number of hours to not more than~~
~~165 hours.~~ A classroom hour is defined as 50 minutes out of each
60-minute segment. Past courses may be approved by the board and
substituted on an hour-for-hour basis.

(3) ~~(4)~~ To be certified as a general appraiser, an
applicant must present evidence satisfactory to the board that
she or he has met the minimum education and experience
requirements prescribed by rule of the board. The board shall
prescribe by rule education and experience requirements that
meet or exceed the real property appraiser qualification
criteria adopted on February 20, 2004 by the Appraisal
Qualifications Board of the Appraisal Foundation:

(a) Has at least 3,000 hours of experience obtained over a
30-month period in real property appraisal as defined by rule.

(b) Has successfully completed at least 300 ~~180~~ classroom
hours, inclusive of examination, of approved academic courses in
subjects related to real estate appraisal, which shall include
~~coverage of the~~ a 15-hour National Uniform Standards of
Professional Appraisal Practice course from a nationally
recognized or state-recognized appraisal organization, career
center, accredited community college, college, or university,
state or federal agency or commission, or proprietary real
estate school that holds a permit pursuant to s. 475.451. The
~~board may increase the required number of hours to not more than~~
~~225 hours.~~ A classroom hour is defined as 50 minutes out of each
60-minute segment. Past courses may be approved by the board and
substituted on an hour-for-hour basis.

(4) ~~(5)~~ Each applicant must furnish, under oath, a detailed
statement of the experience for each year of experience she or
he claims. Upon request, the applicant shall furnish to the

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board, for its examination, copies of appraisal reports or file memoranda to support the claim for experience. Any appraisal report or file memoranda used to support a claim for experience must be maintained by the applicant no less than five years from the date of certification. The board may implement the provisions of this section by rule.

Section 6. Section 475.6171, Florida Statutes, is created to read:

475.6171 Issuance of Registration or Certification -- The registration or certification of an applicant may be issued upon receipt of the following:

(1) A complete application indicating compliance with qualifications as specified in s. 475.615.

(2) Proof of successful course completion as specified in s. 475.617.

(3) Proof of experience for certification as specified in s. 475.617.

(4) If required, by passing a written examination as specified in s. 475.616. No certification shall be issued based upon any examination results obtained more than twenty-four months from the date of examination.

(5) The board shall implement this section by rule.

Section 7. Subsection (3) is added to section 475.6221, Florida Statutes, to read:

475.6221 Employment of and by registered trainee real estate appraisers. --

(3) A supervisory appraiser may not be employed by a trainee or by a corporation, partnership, firm or group in which the trainee has a controlling interest.

Section 8. Section 475.6222, Florida Statutes, is amended to read:

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475.6222 Supervision and training of trainee appraisers.--

The primary or secondary supervisory appraiser of a registered trainee appraiser shall provide direct supervision and training to the registered trainee appraiser. The role and responsibility of the supervisory appraiser is determined by rule of the board.

Section 9. Section 475.623, Florida Statutes, is amended to read:

475.623 Registration of firm or business name and office Location.--

Each appraiser registered, licensed, or certified under this part shall furnish in writing to the department each firm or business name and address from which she or he operates in the performance of appraisal services. Each appraiser must notify the department of any change of firm or business name and any change of address within 10 days on a form provided by the department.

Section 10. Section 475.624, Florida Statutes, is amended to read:

475.624 Discipline. -- The board deny an application for registration, ~~licensure~~, or certification; may investigate the actions of any appraiser registered, licensed, or certified under this part; may reprimand or impose an administrative fine not to exceed \$5,000 for each count or separate offense against any such appraiser; and may revoke or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or place any such appraiser on probation, if it finds that the registered trainee, licensee, or certificateholder:

(1) Has violated any provisions of this part or s. 455.227(1): however, certificateholders, registrants, and

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licensees under this part are exempt from the provisions of s.
455.227(1)(i).

(2) Has been guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest conduct, culpable negligence, or breach of trust in any business transaction in this state or any other state, nation, or territory; has violated a duty imposed upon her or him by law or by the terms of a contract, whether written, oral, express, or implied, in an appraisal assignment; has aided, assisted, or conspired with any other person engaged in any such misconduct and in furtherance thereof; or has formed an intent, design, or scheme to engage in such misconduct and committed an overt act in furtherance of such intent, design, or scheme. It is immaterial to the guilt of the registered trainee, licensee, or certificateholder that the victim or intended victim of the misconduct has sustained no damage or loss; that the damage or loss has been settled and paid after discovery of the misconduct; or that such victim or intended victim was a customer or a person in confidential relation with the registered trainee, licensee, or certificateholder, or was an identified member of the general public.

(3) Has advertised services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(4) Has violated any of the provisions of this part ~~section~~ or any lawful order or rule issued under the provisions of this part ~~section~~ or chapter 455.

(5) Has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the activities of a registered trainee appraiser or licensee or certified appraiser, or which involves moral turpitude or fraudulent or

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dishonest conduct. The record of a conviction certified or authenticated in such form as admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

(6) Has had a registration, license, or certification as an appraiser revoked, suspended, or otherwise acted against, or has been disbarred, or has had her or his registration, license, or certificate to practice or conduct any regulated profession, business, or vocation revoked or suspended by this or any other state, any nation, or any possession or district of the United States, or has had an application for such registration, license, or certification to practice or conduct any regulated profession, business, or vocation denied by this or any other state, any nation, or any possession or district of the united States.

(7) Has become temporarily incapacitated from acting as an appraiser with safety to those in a fiduciary relationship with her or him because of drunkenness, use of drugs, or temporary mental Derangement; however, suspension of a license, certification, or registration in such cases shall only be for the period of such incapacity.

(8) Is confined in any county jail, postadjudication; is confined in any state or federal prison or mental institution; or, through mental disease or deterioration, can no longer safely be entrusted to deal with the public or in a confidential capacity.

(9) Has failed to inform the board in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony.

(10) Has been found guilty, for a second time, of any misconduct that warrants disciplinary action, or has been found

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485 guilty of a course of conduct or practice which shows that she
486 or he is incompetent, negligent, dishonest, or untruthful to an
487 extent that those with whom she or he may sustain a confidential
488 relationship may not safely do so.

489 (11) Has made or filed a report or record, either written
490 or oral, which the registered trainee, licensee, or
491 certificateholder knows to be false, has willfully failed to
492 file a report or record required by state or federal law; has
493 willfully impeded or obstructed such filing, or has induced
494 another person to impede or obstruct such filing. However, such
495 reports or records shall include only those which are signed or
496 presented in the capacity of a registered trainee appraiser or
497 licensed or certified appraiser.

498 (12) Has obtained or attempted to obtain a registration,
499 license, or certification by means of knowingly making a false
500 statement, submitting false information, refusing to provide
501 complete information in response to an application question, or
502 engaging in fraud, misrepresentation, or concealment.

503 (13) Has paid money or other valuable consideration,
504 except as required by this section, to any member or employee of
505 the board to obtain a registration, license, or certification
506 under this section.

507 (14) Has violated any standard for the development or
508 communication of a real estate appraisal or other provision of
509 the Uniform Standards of Professional Appraisal Practice.

510 (15) Has failed or refused to exercise reasonable
511 diligence in developing an appraisal or preparing an appraisal
512 report.

513 (16) Has failed to communicate an appraisal without good
514 cause.

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(17) Has accepted an appraisal assignment if the employment itself is contingent upon the appraiser reporting a predetermined result, analysis, or opinion, or if the fee to be paid for the performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation reached upon the consequences resulting from the appraisal assignment.

(18) Has failed to timely notify the department of any change in business location, or has failed to fully disclose all business locations from which she or he operates as a registered trainee real estate appraisal or licensed or certified real estate appraiser.

Section 11. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to regulation of real estate appraisers; amending s. 475.611, F.S.; revising and providing definitions; amending s. 475.612, F.S.; revising requirements relating to work performed by persons who are not certified, licensed, and registered; providing requirements relating to issuance of appraisal reports and compensation of appraisers, including trainees; amending s. 475.615, F.S., relating to qualifications for registration, licensure, or certification; revising education and experience requirements; amending s. 475.616, F.S.; removing obsolete language relating to examination requirements; amending s. 475.617, F.S.; removing obsolete provisions establishing education and experience requirements for licensure as an appraiser; revising education and experience requirements for certification as

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

546 a residential appraiser or general appraiser; creating s.
547 475.6171, F.S.; providing for the issuance of registration
548 and certification upon proper documentation; amending s.
549 475.6221, F.S.; prohibiting supervisory appraisers from
550 certain employment; amending s. 475.6222, F.S.; requiring
551 supervisory appraisers to provide direct training to
552 registered trainee appraisers; amending s. 475.623, F.S.;
553 requiring appraisers to furnish their firm or business name
554 and any change in that name to the Department of Business
555 and Professional Regulation; amending s. 475.624, F.S.;
556 removing obsolete references; correcting cross-references;
557 providing an effective date.
558

COMMITTEE MEETING REPORT

Business Regulation Committee

1/26/2006 9:30:00AM

Location: Reed Hall (102 HOB)

HB 333 : Public Food Service Establishments

<input checked="" type="checkbox"/> <i>Favorable</i>					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein			X		
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg		X			
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas			X		
Ari Porth	X				
Ron Reagan			X		
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 14		Total Nays: 1			

Appearances:

John McBride (State Employee) - Information Only

DBPR

1940 North Monroe

Tallahassee Florida 32399

Phone: 487-4827

Richard Turner (Lobbyist) - Information Only

Fla Restaurant & Lodging Assoc

230 South Adams

Tallahassee Florida 32309

Phone: 224-2250

Patty Sheehan - Proponent

City of Orlando/Commissioner

400 South Orange Avenue

Orlando Florida 32803

Phone: 407-246-2004

Committee meeting was reported out: Thursday, January 26, 2006 12:26:08PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

HB 489 Bill No.

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

ADOPTED

1/26/06

Council/Committee hearing bill:

Representative(s) Attkisson offered the following:

Amendment (with title amendment)

and insert:

Section 1. Subsection (21) of section 489.503, F.S., is added
to read:

489.503 Exemptions.—

(21) Individuals or entities that install or repair
lightning rods and related systems.

===== T I T L E A M E N D M E N T =====

insert on line 3 after the word "contracting":

amending s. 489.503, F.S.; revising exemptions for lightning
rods;

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COMMITTEE MEETING REPORT

Business Regulation Committee

1/26/2006 9:30:00AM

Location: Reed Hall (102 HOB)

HB 489 : Electrical and Alarm System Contracting

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein			X		
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas			X		
Ari Porth	X				
Ron Reagan			X		
Timothy Ryan	X				
Baxter Troutman			X		
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 14 Total Nays: 0					

Appearances:

Rick Watson (Lobbyist) - Proponent
Florida Assoc Electrical Contractors
P.O. Box 10038
Tallahassee Florida 32302

Committee meeting was reported out: Thursday, January 26, 2006 12:26:08PM

COMMITTEE MEETING REPORT

Business Regulation Committee

1/26/2006 9:30:00AM

Location: Reed Hall (102 HOB)

HB 579 : Cardrooms

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein			X		
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas			X		
Ari Porth	X				
Ron Reagan			X		
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 15 Total Nays: 0					

Committee meeting was reported out: Thursday, January 26, 2006 12:26:08PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Strike-all Amendment by Bullard

Bill No. HB 579

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

ADOPTED
1/26/06

Council/Committee hearing bill: Business Regulation

Representative(s) Bullard offered the following:

Strike All Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (a), (c), and (e) of subsection (2), paragraph (a) of subsection (4), paragraph (a) of subsection (6), paragraph (c) of subsection (7), and paragraph (a) of subsection (8) of section 849.086, Florida Statutes, are amended, and present paragraphs (h), (i), (j), and (k) of subsection (2) of that section are redesignated as paragraphs (i), (j), (k), and (l), respectively, and a new paragraph (h) is added to that subsection, to read:

849.086 Cardrooms authorized.--

(2) DEFINITIONS.--As used in this section:

(a) "Authorized game" means a game or series of games of poker or dominoes which are played in a nonbanking manner.

(c) "Cardroom" means a facility where authorized ~~card~~ games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Strike-all Amendment by Bullard

for participation by the operator of such facility. Authorized games and cardrooms do not constitute casino gaming operations.

(e) "Cardroom distributor" means any business that distributes cardroom paraphernalia such as card tables, betting chips, chip holders, dominoes, dominoes tables, drop boxes, banking supplies, playing cards, card shufflers, and other associated equipment to authorized cardrooms.

(h) "Dominoes" means a game of dominoes typically played with a set of 28 flat rectangular blocks, called bones, marked on one side, which is divided into two equal parts, with from zero to six dots, called pips, in each part. There are larger sets of blocks which contain a correspondingly higher number of pips. The term "dominoes" also refers to the set of blocks used to play the game.

(4) AUTHORITY OF DIVISION.--The Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation shall administer this section and regulate the operation of cardrooms under this section and the rules adopted pursuant thereto, and is hereby authorized to:

(a) Adopt rules, including, but not limited to: the issuance of cardroom and employee licenses for cardroom operations; the operation of a cardroom; the review and approval of the play and wagering in a game or series of games of poker or a game of dominoes; recordkeeping and reporting requirements; and the collection of all fees and taxes imposed by this section.

(6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED; APPLICATION; FEES.--

(a) A person employed or otherwise working in a cardroom as a cardroom manager, floor supervisor, pit boss, dealer, or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Strike-all Amendment by Bullard

any other activity related to cardroom operations while the facility is conducting card playing or games of dominoes must hold a valid cardroom employee occupational license issued by the division. Food service, maintenance, and security employees with a current pari-mutuel occupational license and a current background check will not be required to have a cardroom employee occupational license.

(7) CONDITIONS FOR OPERATING A CARDROOM.--

(c) A cardroom operator must at all times employ and provide a nonplaying dealer for each table on which authorized card games which traditionally utilize a dealer are conducted at the cardroom. A cardroom operator must at all times employ and provide a nonplaying supervisor for each table on which an authorized dominoes game is conducted at the cardroom. Such dealers or dominoes game supervisors may not have any participatory interest in any game other than the dealing of cards or the supervision of dominoes games and may not have an interest in the outcome of the game. The providing of such dealers or dominoes games supervisors by a licensee shall not be construed as constituting the conducting of a banking game by the cardroom operator.

(8) METHOD OF WAGERS; LIMITATION.--

(a) No wagering may be conducted using money or other negotiable currency. Games may only be played utilizing a wagering system whereby all players' money is first converted by the house to tokens or chips which shall be used for wagering only at that specific cardroom. No wager of money or any other property or thing of value may be made on the outcome of an authorized game other than by the persons who are playing in such a game or in a series of such games. Any wager authorized

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Strike-all Amendment by Bullard

81 by this paragraph must be in strict compliance with this
82 subsection.

83 Section 2. This act shall take effect July 1, 2006.
84
85

86 ===== T I T L E A M E N D M E N T =====

87 Remove line(s) 4 and insert:
88 revising definitions; defining "dominoes"; authorizing
89 rulemaking relating to poker and dominoes; providing for
90 supervision of dominoes games at a cardroom; limiting wagering
91 related to authorized games; providing an

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COMMITTEE MEETING REPORT

Business Regulation Committee

1/26/2006 9:30:00AM

Location: Reed Hall (102 HOB)

Other Business Appearance:

Simone Marstiller (State Employee) (At Request Of Chair) - Information Only
DBPR (Secretary)
1940 North Monroe
Tallahassee Florida 32399
Phone: 413-0755

COMMITTEE MEETING REPORT

Business Regulation Committee

1/26/2006 9:30:00AM

Location: Reed Hall (102 HOB)

Summary:

Business Regulation Committee

Thursday January 26, 2006 09:30 am

HB 73	Favorable	Yeas: 16	Nays: 0
HB 159	Favorable With Committee Substitute	Yeas: 15	Nays: 0
HB 333	Favorable	Yeas: 14	Nays: 1
HB 489	Favorable With Committee Substitute	Yeas: 14	Nays: 0
HB 579	Favorable With Committee Substitute	Yeas: 15	Nays: 0

Committee meeting was reported out: Thursday, January 26, 2006 12:26:08PM